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September 1, 2011

VIA CM/ECF

The Honorable Sue L. Robinson
U.S. District Court for the
District of Delaware
844 North King Street, Room 4209
Wilmington, DE 19801

**Re: EON Corp. IP Holdings, LLC . FLO TV Incorporated, et al.
U.S.D.C., D.Del., Civil Action 10-812-SLR**

Dear Judge Robinson:

We write in furtherance to the Scheduling Conference held on August 17, 2011. The parties submit herewith a Scheduling Order that has been agreed upon in all respects except for the timing of the meet and confer in paragraph 4(b). The parties disagree as to whether the meet and confer should occur immediately following the disclosure of Plaintiff's infringement contentions or whether the parties should wait until Defendants have disclosed their invalidity contentions.

Plaintiff contends that Defendants' invalidity contentions are equally as important to the discovery process as are Plaintiff's infringement contentions. As a result, the meet and confer will be more meaningful if conducted after the disclosure of the invalidity contentions. The later date will also give the parties two additional months to conduct discovery and identify any disputed discovery issues that may be resolved through a conference between the parties.

Defendants contend that the meet and confer should occur in January, after Plaintiff serves its preliminary infringement contentions. Plaintiff's Second Amended Complaint accuses a diverse group of defendants, with very different types of products (such as cellular phones, carrier networks, and television programming), of directly infringing the '757 patent based on their individual conduct. As a result, Plaintiff's infringement contentions are the most important



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component to an informed discussion of how the case can be most efficiently structured, what additional document production, if any, is needed, and whether the parties can agree to any procedures for structuring or staging discovery and facilitating early resolution. To achieve these goals, the parties need to meet and confer as soon as possible in view of the discovery cut-off of September 3, 2012, and certainly earlier than March 2012 as Plaintiff proposes. Defendants' invalidity contentions are directed to common issues and are unlikely to impact the overall structure and timing of discovery. The parties can separately confer about invalidity contentions once they are served, if necessary.

Plaintiff and Defendants submit the issue of the timing of the meet and confer in paragraph 4(b) for the Court's consideration and determination.

Respectfully,

/s/ Gregory B. Williams

Gregory B. Williams (#4195)

GBW:bjr

Encl.

cc: All Counsel of Record (via CM/ECF and Email)